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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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International Business Machines Corporation
Intellectual Property Law Department
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EXAMINER

WOZNIAK, JAMES S

ART UNIT PAPER NUMBER

2655

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,186

Applicant(s)

DUTTA ET AL.

Examiner

James S. Wozniak

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/31/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/31/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings are required in this application because the drawings are informal.

The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 6 and 7** are rejected under 35 U.S.C. 102(b) as being anticipated by Boucher et al (*U.S. Patent: 5,884,246*).

With respect to **Claims 6 and 7**, Boucher recites:

Means for receiving text in a first language (*Col. 4, Lines 57-66*);

Means for automatically translating the received text into translated text (*machine translation, Col. 11, Lines 31-43*); and

Means for inserting an indication associated with the translated text indicating at least one of i) that a further translation will be made a different time, ii) that the associated text was

translated using automatic translation, iii) that the associated text is a draft translation (*inserted translation parameter indicating translation type, Col. 13, Lines 41-53, which would include the machine translation type noted above*).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lubkin et al (*U.S. Patent: 5,339,435*) in view of Boucher et al.

With respect to **Claim 1**, Lubkin discloses:

Determining an initial level of the native language version of the document (*version description used by a translator, Col. 7, Line 35- Col. 8, Line 30*);

Indicating, using an indication in the at least one National Language version at least one of: that the indicated text is not to be regarded as the final translated text, and a further translation of the lower quality translation will be made available at a later time (*file containing translation information featuring a flag indicating whether the file is permanent, Col. 8, Lines 31-59*); and

First delivering the document with the given changes in the native language and in the at least one National Language having the indication (*file containing translation information and an indication of whether the file is permanent, Col. 8, Lines 31-59*).

Lubkin does not specifically suggest translation types for performing a high quality initial translation and a lower quality translation of a document changes, however, Boucher recites:

Translating the initial level of the native language version into at least one National Language version having a high quality translation taking a first amount of average translation time per word (*human translation or machine-assisted translation, Col. 12, Lines 31-39*).

Translating given changes to the initial level into the at least one National Language version using a lower quality translation and taking a second amount of average translation time per word less than the first amount of average translation time per word (*machine translation, Col. 11, Lines 31-43*);

Lubkin and Boucher are analogous art because they are from a similar field of endeavor in language translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to combine the multiple language translation means taught by Boucher with the file translation system utilizing version description indicators as taught by Lubkin to provide an initial higher quality manual translation, since accuracy would be of more critical importance in an initial translation, and the quick and efficient machine translation (*Boucher, Col. 2, Lines 31-34*) of a document update in order to deliver important changes to a foreign user without delay. Therefore, it would have been obvious to combine Boucher with Lubkin for the benefit of obtaining a high quality document translation system capable of immediately translating important updates.

With respect to **Claim 2**, Boucher further discloses:

The high quality translation results from a manual translation processor and the lower quality translation is void of the manual translation process (*human translation, Col. 12, Lines 37-39, and machine translation, Col. 11, Lines 31-43*).

With respect to **Claim 3**, Boucher additionally recites:

The high quality translation results from an automatic translation process and a manual translation process, and the lower quality translation results from only an automatic translation process (*machine-assisted translation, Col. 12, Lines 31-37 and machine translation, Col. 11, Lines 31-43*).

With respect to **Claim 4**, Lubkin recites:

Determining an initial level of the native language version of the document (*version description used by a translator, Col. 7, Line 35- Col. 8, Line 30*);

Indicating in the at least one National Language version that a further translation of the automatically translated changes will be made available at a later time (*file containing translation information featuring a flag indicating whether the file is permanent, Col. 8, Lines 31-59*); and

First delivering the document with the given changes in the native language and in the at least one native language having the indication (*file containing translation information and an indication of whether the file is permanent, Col. 8, Lines 31-59*).

Lubkin does not specifically suggest translation types for performing a high quality initial translation and a lower quality translation of a document changes, however, Boucher recites:

Translating the initial level of the native language version into at least one National Language version using an automatic translation tool and manual translation (*machine-assisted translation, Col. 12, Lines 31-37*);

Translating given changes to the initial level into the at least one National Language using initially only the automatic translation tool (*machine translation, Col. 11, Lines 31-43*).

Lubkin and Boucher are analogous art because they are from a similar field of endeavor in language translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to combine the multiple language translation means taught by Boucher with the file translation system utilizing version description indicators as taught by Lubkin to provide an initial higher quality manual translation, since accuracy would be of more critical importance in an initial translation, and the quick and efficient machine translation (*Boucher, Col. 2, Lines 31-34*) of a document update in order to deliver important changes to a foreign user without delay. Therefore, it would have been obvious to combine Boucher with Lubkin for the benefit of obtaining a higher quality document translation system capable of immediately translating important updates.

With respect to **Claim 5**, Boucher additionally discloses:

Manually translating the automatic translation of the given changes; and delivering the document with the given changes manually translated at a time later than the first delivery (*conveying to a user, a secondary translation of an automatic translation by a human translator, Col. 12, Lines 40-63*).

Lubkin and Boucher are analogous art because they are from a similar field of endeavor in language translation. Thus, it would have been obvious to a person of ordinary skill in the art,

at the time of invention, to combine the secondary translation of a machine translation by a human translator as taught by Boucher with the file translation system utilizing version description indicators as taught by Lubkin to provide a means of correcting errors that may have resulted from an automatic translation. Therefore, it would have been obvious to combine Boucher with Lubkin for the benefit of obtaining a higher quality document translation system capable of providing a user with a higher quality translation after receiving an initial machine translation

6. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher et al.

With respect to **Claim 8**, Boucher teaches the translation method applied to Claim 7. Boucher does not specifically suggest method implementation as a program on a computer readable medium, however, the examiner takes official notice that it would have been obvious to one of ordinary skill in the art, at the time of invention, to store the translation method taught by Boucher on a computer readable medium to increase method compatibility and usability by providing a means for method use with multiple computer systems.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

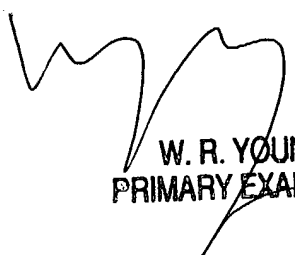
- Silver et al (*U.S. Patent: 5,499,335*)- teaches a method of translating a computer program that utilizes foreign language resource files containing associated version identification.
- Murrow et al (*U.S. Patent: 5,664,206*)- discloses a means of localizing a computer program using an automatic translation tool.
- Murata et al (*U.S. Patent: 5,987,402*)- teaches a translation system that provides a user with an updated document translation.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (703) 305-8669 and email is James.Wozniak@uspto.gov. The examiner can normally be reached on Mondays-Fridays, 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached at (703) 305-4827. The fax/phone number for the Technology Center 2600 where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 306-0377.

James S. Wozniak
7/13/2004



W. R. YOUNG
PRIMARY EXAMINER